

NOTICE OF CONFIDENTIALITY

PURSUANT TO TITLE 18 USC 3153(c)(1), "...INFORMATION OBTAINED IN THE COURSE OF PERFORMING PRETRIAL SERVICES FUNCTIONS IN RELATION TO A PARTICULAR ACCUSED SHALL BE USED ONLY FOR THE PURPOSE OF A BAIL DETERMINATION AND SHALL OTHERWISE BE CONFIDENTIAL."

THE PRETRIAL SERVICES REPORT MAY NOT BE REDISCLOSED, COPIED OR ELECTRONICALLY SUBMITTED TO OTHER PARTIES BY THE ATTORNEY FOR THE DEFENDANT OR THE ATTORNEY FOR THE GOVERNMENT. UPON COMPLETION OF THE DETENTION HEARING, ANY PAPER COPIES OF THE PRETRIAL SERVICES REPORT SHALL BE RETURNED TO THE PROBATION OFFICE.

PRETRIAL SERVICES REPORT (Modified)

District/Office Middle District Of North Carolina/Durham	Charge(s) (Title, Section, and Description) Count 1: Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) - Possession with Intent to Distribute Methamphetamine
Judicial Officer Honorable Joe L. Webster United States Magistrate Judge	Count 2: Title 8 U.S.C. §§ 1326(a) and (b)(2) – Illegal Reentry of an Aggravated Felon
Docket Number (Year – Sequence No. – Def. No.) 0418 1:16CR00113-001	

DEFENDANT

Name Gutierrez-Yanez, Jose		Employer/School N/A	
Other Names on Charging Document Saucedo-Gutierrez, Daniel Gutierrez-Saucedo, Jose Gutierrez-Saucedo, Daniel			
Address 15 Circle Drive Reidsville, NC 27320 336-587-9018 (girlfriend's cell)		Employer/School Address N/A	
At Address Since 04/11/2016	Time in Community of Residence 8.0 years	Monthly Income \$0	Time with Employer/School N/A

INTRODUCTION:

Defendant Gutierrez-Yanez was interviewed by United States Probation Officer Meredith Bratt-Boylan on April 11, 2016, while the defendant was in the custody of the United States Marshals Service, Winston-Salem, NC. The following report is based on information obtained from a criminal record check and immigration records.

Defendant Gutierrez-Yanez advised he was born on June 20, 1965, in Mexico. This information was verified by the defendant's brother. According to criminal records, the defendant was deported on September 17, 2002, following a conviction in United States District Court for the Middle District of Florida, Tampa, Florida. The defendant does not possess any documentation allowing legal residence in the United States.

As a foreign national, and pursuant to international law, the defendant has been given the appropriate consular notification.

PRIOR RECORD:

The following criminal record was verified by reviewing computer printouts from the National Crime Information Center, the North Carolina Administrative Office of the Courts, the North Carolina Department of Motor Vehicles and the North Carolina Department of Correction:

<u>Date of Arrest</u>	<u>Agency</u>	<u>Charge</u>	<u>Disposition</u>
09/23/1997 (Age 32)	U.S. District Court for the Middle District of Florida; Tampa, FL;	Felony Conspiracy to Distribute a Controlled Substance Docket No. 8:97CR301-1	05/01/1998: 46 months imprisonment, followed by 3 years supervised release. \$100 SAF. 09/17/2002: Supervised release commenced and defendant deported. 09/16/2005: Term of supervised release terminated.
Accompanying charges of Felony Sell/Deliver Schedule II Controlled Substance and Felony Possession of Schedule II Controlled Substance were dismissed.			

09/24/2009 (Age 44)	Guilford County District Court; Greensboro, NC;	1) Misd. Possession of Marijuana Docket No. 09CR 47285 2) Misd. Fail to Notify DMV of Address Change Docket No. 09CR 47349	12/01/2009: 2) \$25 fine and \$130 costs. 2/10/2010: 1) Dismissed without leave after deferred prosecution.
The defendant was originally charged with Misdemeanor No Operator's License in 2 above, but pled guilty to the lesser offense.			

03/19/2010 (Age 44)	Forsyth County District Court; Winston-Salem, NC;	Misd. No Operator's License Docket No. 10CR 8156	05/27/2010: \$50 fine and \$130 costs.

10/24/2015 (Age 50)	Rockingham County District Court; Reidsville, NC;	1) Felony Traffic in Methamphetamine 2) Felony Possession with Intent to Sell and Deliver Cocaine Docket No. 15CR 52882	1-2) Pending.
The alleged offenses occurred on October 24, 2015, and are related to the instant offense.			

The defendant has used multiple alias names including those listed previously and the following dates of birth: April 26, 1968; January 2, 1965, and June 25, 1965.

There is no indication of gang activity.

There is no indication the defendant is a wanted person or a registered sex offender.

ASSESSMENT OF NONAPPEARANCE:

The defendant poses a risk of nonappearance for the following reasons:

1. Offense Charged
2. Aliases or False Identifications
3. Lack of Verifiable, Legitimate Employment
4. Pending Charges
5. Ties to a Foreign Country
6. Criminal History

ASSESSMENT OF DANGER:

The defendant poses a risk of danger for the following reasons:

1. Nature of Instant Offense
2. Prior Arrests and Convictions
3. Pattern of Similar Criminal Activity History
4. Safety Concerns for the Community or a Specific Individual
5. Criminal History

RECOMMENDATION:

Presently there appear to be no conditions or combination of conditions that will reasonably assure the appearance of the defendant as required and the safety of the community. The defendant is a citizen of Mexico and has been deported on one prior occasion. He is a risk of flight based on his ties to a foreign country and a danger to the community based on his alleged possession/distribution of methamphetamine in the community. In addition, the defendant has used multiple aliases names and dates of birth in the past. Therefore, it is respectfully recommended that the defendant be detained.

Pretrial Services Officer Jennifer L. Thompson-Graves U.S. Probation Officer	Date 4/14/2016	Time 9:15 AM
Reviewed By Odessa H. Baker, Acting Supervisory U.S. Probation Officer		